

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

MONSANTO COMPANY,  
MONSANTO TECHNOLOGY LLC

Plaintiffs,

V.

E.I. DUPONT DE NEMOURS AND  
COMPANY and PIONEER HI-BRED  
INTERNATIONAL, INC.,

Defendants.

Case No. 4:09-cv-00686(ERW)

**CONSENT MOTION TO AMEND FIFTH AMENDED CASE  
MANAGEMENT ORDER – PATENT (DOCKET NO. 1008)**

The parties, through their respective counsel of record, hereby jointly move that the court enter the following stipulation as order of the Court:

## STIPULATION

1. The parties are entering into this Stipulation to allow for the completion of expert discovery, before the deadline for filing motions for summary judgment. As detailed below, the proposed amended schedule extends the opening deadline for the parties to file motions for summary judgment by one week, extends the deadline to file oppositions by one week, but does not change the date for reply briefs. .

2. The parties jointly stipulate and move the Court to amend the Fifth Amended Case Management Order, and extend the summary judgment deadlines, as follows:

a. Any motions contemplated by paragraph I.2 of the Court's current CMO (dkt. 1008) such as motions to dismiss, motions for judgment on the pleadings, and motions

for summary judgment must be filed no later than **April 6, 2012** (the previous date was March 30, 2012).

b. Briefs in opposition shall be filed no later than 30 days after the initial briefs are filed and served.

c. Reply briefs shall be filed no later than 30 days after the opposition briefs are filed and served, or **May 30, 2012**, which ever is earlier (this deadline to complete briefing for all dispositive motions remains unchanged from the Fifth Amended Case Management Order).

3. Except as expressly detailed above, all other dates reflected in the Fifth Amended Case Management Order, including the dates set by the Court for the Final Pretrial Conference and Jury Selection, shall remain unchanged.

Dated: March 27, 2012

Respectfully submitted,

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